

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE CELEXA AND LEXAPRO) MDL DOCKET NO. 1736
PRODUCTS LIABILITY LITIGATION) ALL CASES

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff Frederick D. Reed's response to the Show Cause Order issued on July 23, 2010. In response, plaintiff states that he will attempt to provide the additional information needed to complete the fact sheet through family members. Plaintiff also seeks appointment of counsel. I will give plaintiff additional time to provide the information to defendants, but I will deny the motion to appoint counsel.

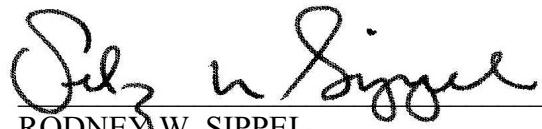
There is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering these factors, the Court believes that the facts and legal issues involved are not so complicated that the appointment of counsel is warranted at this time.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Frederick D. Reed shall have an additional 90 days to provide defendants with the information needed to complete his fact sheet.

IT IS FURTHER ORDERED that in the case styled Frederick Reed v. Forest Laboratories, Inc., et al., 4:10CV449 RWS, plaintiff's motion for appointment of counsel [#13] is denied.¹



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 5th day of August, 2010.

¹This motion was incorrectly docketed in the individual case instead of the MDL case as required by my June 7, 2006 Order.